

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

UNITED STATES OF AMERICA

CR NO.: 1:12-333

Columbia, SC

May 8, 2013

-vs-

TERRANCE LAMAR WIGGINS,

Defendant

BEFORE HON. MARGARET B. SEYMOUR  
SENIOR UNITED STATES DISTRICT COURT JUDGE  
SENTENCING HEARING

APPEARANCES:

FOR GOVERNMENT: HON. WILLIAM N. NETTLES  
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STENOTYPE/COMPUTER-AIDED TRANSCRIPTION

1 THE COURT: Mr. Richardson?

2 MR. RICHARDSON: Thank you, your Honor. We're back  
3 in the case of United States versus Terrance Lamar Wiggins,  
4 criminal number 1:12-333. We're here for Mr. Wiggins'  
5 sentencing. The government has reviewed the presentence  
6 report and has no objections.

7 THE COURT: All right. Mr. Gipson, good afternoon.

8 MR. GIPSON: Yes. If it please the court, your  
9 Honor, we do have a few objections to the presentence report  
10 and we have provided those to the probation, your Honor, so  
11 they could --

12 THE COURT: Have you had an opportunity to review the  
13 report with Mr. Wiggins?

14 MR. GIPSON: I have, your Honor.

15 THE COURT: And, Mr. Wiggins, have you had ample  
16 opportunity to review this report with Mr. Gipson?

17 DEFENDANT: Yes, ma'am.

18 THE COURT: All right. Mr. Gipson, I'll hear from  
19 you at this time on your objections.

20 MR. GIPSON: Yes, ma'am. If it please the court,  
21 after consulting with Mr. Wiggins, the first -- the matter  
22 that we mentioned in terms of the attributable drug weight, we  
23 will withdraw that particular objection, your Honor.

24 THE COURT: So the defendant had objected to  
25 paragraph 84 and 109 which stated that he was being held

1 accountable for 200 kilograms of cocaine. You are withdrawing  
2 that objection?

3 MR. GIPSON: Yes, ma'am.

4 THE COURT: Mr. Wiggins, you agree with that? Mr.  
5 Wiggins, do you agree with that?

6 DEFENDANT: Not really.

7 MR. GIPSON: Then we will proceed, your Honor.

8 THE COURT: All right. So the objection is that you  
9 disagree with being held accountable for 200 kilograms of  
10 cocaine.

11 DEFENDANT: Yes, ma'am.

12 MR. GIPSON: Yes, ma'am. That's his objection, your  
13 Honor.

14 THE COURT: All right. Mr. Richardson?

15 MR. RICHARDSON: Your Honor, I think from the  
16 government's perspective, your Honor sat through the trial and  
17 I think you heard from quite a few of the individuals that  
18 testified, Manuel Soto-Gonzalez as well as Christopher Davis.  
19 Taking those two alone just the trial testimony that was  
20 presented exceeded 200 kilograms of cocaine. We think both of  
21 those were highly credible individuals who have testified  
22 before your Honor and your Honor was able to evaluate their  
23 testimony.

24 That testimony alone before your Honor that the jury  
25 heard is sufficient to exceed the 200 kilogram threshold.

1 There is other testimony, obviously, that supports that and  
2 there are other individuals who provided information about  
3 cocaine dealing that Mr. Wiggins did with them that would  
4 actually be in addition to that 200 kilograms. I think  
5 probation correctly took the conservative end of that because  
6 anything over 150 kilograms doesn't make any difference with  
7 respect to the guidelines. I think they appropriately used  
8 what your Honor heard about. There are a number of paragraphs  
9 in the presentence report that describe the extent of his drug  
10 dealing, you know, a drug dealing enterprise that led to the,  
11 you know, accumulation of \$750,000 in cash, a Land Rover, a  
12 Camaro, a motorcycle, the house with a pool, et cetera, that  
13 your Honor heard lots about during the trial.

14 We think the 200 kilograms here is a very low  
15 estimate, actually, comes as only a fraction of what Mr.  
16 Wiggins was actually involved with. It's been laid out in the  
17 presentence report, I think probation addressed this  
18 appropriately. The final thing I'll add, your Honor, a flat  
19 denial is not sufficient for purposes of an objection.

20 THE COURT: All right. Mr. Gipson, what evidence do  
21 you have as to the amount of drugs sold and what is your  
22 testimony with regard to the inaccuracy or unreliability of  
23 the information provided in the presentence report?

24 MR. GIPSON: Your Honor, I've now been advised that  
25 Mr. Wiggins would like to withdraw that particular objection,

1 your Honor.

2 THE COURT: All right.

3 MR. GIPSON: Make sure that -- I'd ask if the court  
4 would consider just asking him on the record, because I just  
5 want to make sure --

6 THE COURT: Mr. Wiggins, initially you had objected  
7 to paragraph 84 and 109 of the presentence report. In those  
8 paragraphs you are being held accountable for 200 kilograms of  
9 cocaine. Are you --

10 DEFENDANT: I just feel that --

11 THE COURT: -- withdrawing your -- are you  
12 withdrawing the objection?

13 DEFENDANT: Yes. I feel withdrawing, because anybody  
14 could say anything about what --

15 THE COURT: All right. So Mr. Gipson as your  
16 attorney will now have to present evidence to convince me that  
17 that 200 kilograms is inaccurate or unreliable. And what is  
18 the evidence for that? Mr. Gipson, do you need more time to  
19 speak with your client?

20 MR. GIPSON: Just only briefly, your Honor.

21 (Mr. Gipson and defendant confer)

22 THE COURT: Let me just say that in developing the  
23 presentence report to establish the drug amounts that are  
24 attributable to Mr. Wiggins the probation officer relied on  
25 the trial testimony provided by Christopher Davis and Manuel

1 Soto-Gonzalez. I listened to the testimony of both of those  
2 individuals. As described in paragraph 82 of the presentence  
3 report, Mr. Davis testified that he distributed at least  
4 20 kilograms of cocaine to Mr. Wiggins from 2007 and 2008,  
5 Mr. Soto-Gonzalez testified that he distributed between 180 to  
6 200 kilograms of cocaine to the defendant from 2008 through  
7 2010. As far as I can tell from the presentence report no  
8 alternative amount has been provided to the court. I find  
9 that the testimony of Mr. Davis and Mr. Soto-Gonzalez was  
10 credible, unless you can provide me with some evidence to the  
11 contrary.

12 MR. GIPSON: Your Honor, I do not have any evidence  
13 to the contrary, your Honor. And, again, as participating in  
14 the trial I understand that that 150 kilogram threshold  
15 essentially is a threshold and that information was present  
16 through the presentence report and through the testimony of  
17 trial, your Honor.

18 THE COURT: Okay. Do you have anything else, Mr.  
19 Wiggins, you would like to present to the court with regard to  
20 that objection?

21 DEFENDANT: Basically I don't have nothing to say.  
22 You all feel they told the truth.

23 THE COURT: I beg your pardon? I can't hear you.

24 MR. RICHARDSON: Your Honor, if he's going to testify  
25 we would ask him be placed under oath and take the witness and

1 be subject to cross-examination.

2 (Mr. Gipson and Mr. Wiggins confer)

3 THE COURT: Well, let me let Mr. Gipson speak with  
4 him and find out what it is he wants to present in his defense  
5 or to support his position with regard to that objection.

6 (There was a pause in the proceedings)

7 THE COURT: Mr. Richardson, I think the defendant is  
8 entitled to make a statement with regard to the controverted  
9 issues in this presentence report, if he wants to. He can  
10 make a statement.

11 MR. RICHARDSON: Your Honor, without being placed  
12 under oath that is not -- that would not be evidence, I don't  
13 believe, for your Honor to rely upon. He can make a statement  
14 with respect to sentencing, and he's obviously entitled to do  
15 that.

16 THE COURT: But he can make a statement if he's  
17 placed under oath, yes.

18 MR. RICHARDSON: That's correct. But all we're  
19 saying, he would need to be placed under oath and subject to  
20 cross-examination on its reliability.

21 THE COURT: All right. Mr. Gipson?

22 MR. GIPSON: Your Honor, I don't believe he wants to  
23 make a statement. I am informed again that he would like to  
24 withdraw that particular objection.

25 THE COURT: Well, let me just say that even if he

1 does withdraw it I've considered the objection because you've  
2 raised it, I also understand what the drug weight is based on,  
3 the testimony of Mr. Davis and Mr. Soto-Gonzalez. I listened  
4 to their testimony and find it to be credible. Therefore, I'm  
5 going to overrule the objection.

6 MR. GIPSON: Yes, ma'am.

7 THE COURT: Okay. What's the next objection?  
8 Paragraph 86 and 87? That is an objection to the four level  
9 enhancement.

10 MR. GIPSON: Yes, ma'am, for obstruction of justice,  
11 your Honor.

12 THE COURT: This is just the four level enhancement,  
13 not the obstruction of justice.

14 MR. GIPSON: Yes, ma'am. In terms of the role, your  
15 Honor, I apologize, it's our position, your Honor, that under  
16 that particular objection Mr. Wiggins has admitted that he  
17 sold drugs during some periods of time and that in his  
18 proffer, your Honor, that was admitted to, your Honor. And  
19 even if through the testimony that was given during the trial  
20 there was testimony that he either bought from  
21 Mr. Soto-Gonzalez or that at points in time Mr. Davis, he  
22 purchased things from those two, your Honor. I think that to  
23 suggest that he was essentially a -- we were inferring that he  
24 would had to have been a higher up participant, your Honor,  
25 there was never any information requested from either of these



1 gentlemen to say whether he worked for them, whether there is  
2 somebody particular Mr. Wiggins was working for.

3 And just to presume that he was a higher level  
4 participant because of -- essentially because of the amount of  
5 money that -- I think that the money that was accumulated and  
6 the money that was seized as a result of Mr. Wiggins' giving  
7 them information about where those moneys were, I think that's  
8 part of the reason why he's looked at in terms of a person in  
9 a higher role. There is a significant amount of drugs that  
10 we're talking about, but I don't know that the testimony that  
11 was given suggests -- does anything more than suggest he could  
12 be a higher level participant, your Honor.

13 I don't think there was -- they suggested he directed  
14 any particular activities, you know, for four or more or five  
15 people or more. I think the information was suggested at some  
16 point in time there might have been two people who had bought  
17 from him and worked for him that testified here in court, your  
18 Honor. But I think that was the extent of what was provided.

19 So I suggest that the enhancement there is not  
20 necessarily proper. Again, we're aware of that 150, you know,  
21 kilogram number that's been placed out there, we're aware of  
22 the substantial amounts of money, but I think the testimony we  
23 heard here in court didn't suggest that he is a higher level  
24 participant, your Honor.

25 THE COURT: All right. Thank you.

1 MR. RICHARDSON: Your Honor, again, turning back to  
2 probation here, and I think they sum it up exceedingly well in  
3 describing the extent of the offense conduct here. And I'm  
4 looking on page three of the addendum, the first full  
5 paragraph beginning at the second sentence, where probation  
6 explained that throughout the description here the individual  
7 who provided information on Mr. Wiggins explained that he  
8 utilized a wide array of people to sell guns for him. The  
9 names that are listed there, Mr. Washington Mr. Dunbar,  
10 Mr. Skeen --

11 MR. GIPSON: You said guns, sold guns. I just --

12 MR. RICHARDSON: I apologize. Cocaine. I'm  
13 referring to cocaine.

14 MR. GIPSON: Thank you.

15 MR. RICHARDSON: And certainly this is a reference  
16 toward cocaine. There is evidence that he did supply guns to  
17 people that were distributing narcotics for him, that's also  
18 relayed in the presentence report. But this was specifically  
19 about using individuals to distribute narcotics for him. So  
20 all of those witnesses, your Honor, establish he was running a  
21 drug organization in and around Barnwell.

22 But you don't even have to rely just on them. In  
23 fact, Mr. Wiggins' own statements establish that that is what  
24 took place. Mr. Wiggins stated repeatedly, including in  
25 various reports that your Honor heard about during the

1 December 4 hearing before your Honor, where you took testimony  
2 and heard evidence that Mr. Wiggins described using family  
3 members to deliver drugs, to open up the house, to weigh out  
4 the supply money -- or not money, that was referring in  
5 particular to his brother Edwin and others. That those  
6 individuals were part and parcel of the drug enterprise that  
7 he was running.

8 We think there's extensive evidence and, in fact, as  
9 much evidence as seen in these cases, that Mr. Wiggins wasn't  
10 just a middleman in this process but employed in a sense a  
11 number of people to distribute narcotics for him. It's laid  
12 out in detail throughout the offense conduct, the individuals  
13 he was using as part of his drug business. We think that is  
14 exactly what the leadership role envisions. Mr. Wiggins is  
15 the prototypical leader in this type of a drug organization.

16 MR. GIPSON: Your Honor, I suggest it's up to the  
17 government to present its case the way it chooses to, but,  
18 your Honor, he talks about these folks that were a part of  
19 this enterprise. The only person who testified during this  
20 trial that we had Earl Davis who testified who said that at  
21 some point in time he worked with Mr. Wiggins. I think the  
22 other information, your Honor, and I'd say is -- credibility  
23 can be questioned of the persons who may have provided other  
24 information. Because, number one, they were never called to  
25 trial to be cross-examined; two, oftentimes people place

1 information in their proffers and speak about information  
2 that's not necessarily true and they are subject to being  
3 cross-examined about it. And the question and the problem Mr.  
4 Wiggins has with that is the fact if there are people who may  
5 speak on these things we can never speak to or never  
6 particularly come in and say what they say is not justified,  
7 your Honor.

8 I just, again, he's admitted to the things that he  
9 did and that he specifically did during many of the  
10 conversations that he had with law enforcement, your Honor.  
11 But the enhancement I just don't think is proper just based on  
12 the testimony that we received. He did buy, he did sell, and  
13 there are I think a minimum number of people who came in and  
14 spoke about him actually controlling an enterprise.

15 THE COURT: It seems to me that according to the  
16 probation officer's report there was evidence uncovered during  
17 the investigation that indicated that Mr. Wiggins functioned  
18 as an organizer or leader in the drug trafficking conspiracy.  
19 There were several cooperating witnesses and coconspirators,  
20 including Christopher Jefferson, Eugene Folk, Frederick  
21 Pressie, Manuel Soto-Gonzalez, Christopher Davis, and there  
22 was a confidential source of information, and all of these  
23 people indicated that Mr. Wiggins had other cocaine dealers  
24 such as Shawn Washington, Roger Dunbar, and Randolph Skeen  
25 make cocaine transactions on his behalf.

1           In addition, Mr. Wiggins was involved in coordinating  
2     the actions of his brother Edwin Wiggins and his half brother  
3     Cawarren Jenkins to leave drug proceeds in his residence or  
4     deliver cocaine to his customers. And Mr. Wiggins has  
5     admitted the exercise, that he exercised control over his  
6     siblings when he was interviewed by the Special Agent David  
7     Fellerman. So based on that information it would appear that  
8     the enhancement would be appropriate if he was involved with  
9     exercising some decision making authority over all of these  
10    individuals.

11           MR. GIPSON: Yes, ma'am.

12           THE COURT: And do you have any evidence to the  
13    contrary that he was not involved with these individuals?

14           MR. GIPSON: I do not, your Honor.

15           THE COURT: Do you have any evidence that would  
16    suggest any of these individuals were not being truthful? Do  
17    you have anything to --

18           (Mr. Gipson and Mr. Wiggins confer)

19           MR. GIPSON: No, ma'am, we do not.

20           THE COURT: The objections to paragraph 86 and 87  
21    with respect to role adjustment is overruled.

22           The next objection has to do with paragraph 88, 89  
23    and 90, adjustment for obstruction of justice. The defendant  
24    objects to these paragraphs regarding the obstruction of  
25    justice enhancement. And the basis for the paragraph, or

1 basis for the enhancement is the fact that based on the  
2 evidence he engaged in obstructive conduct by concealing or  
3 directing other persons to conceal evidence that was material  
4 to the investigation and you are objecting to that. What is  
5 your evidence to the contrary?

6 MR. GIPSON: Well, your Honor, my evidence to the  
7 contrary, I mean, is as we look at the addendum that was  
8 provided your Honor, the sentencing report suggests that he  
9 repeatedly provided false statements to federal agents  
10 regarding, you know, his dealings during the -- dealing with  
11 drug trafficking. I suggest to the court that that's not  
12 true, your Honor. He met with agents for at least ten plus  
13 hours and went through multiple just pages and pages of  
14 information that dealt with his involvement, others'  
15 involvement, made at least three calls to attempt to set up  
16 controlled buys. He did several things, your Honor.

17 I think the piece that they are really referring to  
18 is the fact that early in the process he was asked during one  
19 of the proffer sessions if there was any other money that was  
20 there and he suggested there may not be. After we met and  
21 spoke briefly Mr. Wiggins went back and met with them and gave  
22 them all of the information as to where the money could be  
23 found, and then they confiscated the additional moneys, your  
24 Honor. I think that's kind of the crux what of what we're  
25 speaking of.

1           He gave them that information, your Honor, they  
2       confiscated moneys, and as the court knows, as Mr. Richardson  
3       has mentioned, there have been over -- has been over \$750,000,  
4       or close to it, confiscated in this case. When the police  
5       came to his residence, your Honor, he told them where the  
6       things were in the residence and he later told them where the  
7       other moneys were and so that they could confiscate those, as  
8       well. That was done, your Honor, in an attempt at that point  
9       in a proffer session, in a series of proffer sessions wherein  
10      he gave them information and he truthfully gave them the  
11      information about where his assets were.

12           I think the piece that kind of stands out here is  
13      when you look at the presentence report, and also I'd refer  
14      back to the actual date of the actual investigation -- the  
15      polygraph that was attempted by Agent Fellerman, your Honor,  
16      that was on 27th, I believe, of November. And in paragraph  
17      four of his particular report Agent Fellerman says that Mr.  
18      Wiggins was interviewed regarding his brother Edwin's  
19      involvement in this drug trafficking organization and stated  
20      the following.

21           That was really the crux of what they wanted to know,  
22      just what was Edwin's involvement, your Honor. It wasn't  
23      about all of these other matters that the presentence report  
24      suggests were obstructive, it was about this one particular  
25      matter, and that doesn't -- and that was the question, your

1 Honor. And because the court determined at that point that he  
2 was not completely forthright about that one issue that's what  
3 threw out the actual -- that's what allowed his proffer to be  
4 used against him at trial.

5 And I would suggest that's the piece where he was not  
6 truthful. If he wasn't truthful, that's the piece where he  
7 wasn't truthful. Not about the other matters that probation,  
8 excuse me, or that's being suggested in the PSR. He gave them  
9 this information and he gave them everything and his  
10 information actually led to the confiscation of all of these  
11 assets, your Honor. So I suggest that he was absolutely  
12 truthful, Judge.

13 In these situations sometimes it takes multiple  
14 sessions to meet with people in order for them to understand  
15 fully what -- what's required of them if they are going to  
16 proceed and cooperate. And this is no different than many  
17 other situations. They met multiple times. He gave, again,  
18 hours and hours of testimony, your Honor, to them. And that  
19 ultimately, Judge, is what was used here in trial to -- it was  
20 used to convict him, as well, just some of his own words. I  
21 suggest obstruction. It's -- he gave them the information and  
22 he gave -- and the giving of that information was subsequently  
23 found to be true because they found the moneys exactly where  
24 he said they would be found.

25 THE COURT: Mr. Richardson?



1 MR. RICHARDSON: Your Honor, two things here. Your  
2 Honor on December 4 of 2012 already found that Mr. Wiggins  
3 lied to federal agents as part of the investigation. That was  
4 the finding you made with respect to the breach of the  
5 proffer. That standing alone is sufficient for an obstruction  
6 enhancement to apply. I don't really think we have to go any  
7 further than that. That's the simplest way. Your Honor  
8 already made that finding, you held a full hearing on that on  
9 December 4, and we would rely upon the evidence we presented  
10 there.

11 The other issue that you raised and the probation  
12 relied upon was that shortly after the arrest Mr. Wiggins  
13 called his brother and directed him to go to remove evidence  
14 in order to obstruct justice, is the government's position.  
15 Probation I think recounts that. We think that the lying to  
16 federal agents and trying to destroy evidence is exactly what  
17 obstruction is.

18 THE COURT: All right. In the United States  
19 Sentencing Guidelines Section 3C1.1, that section requires a  
20 finding that the defendant should receive the obstruction of  
21 justice enhancement, because specifically the application note  
22 4D of 3C1.1 provides that obstructive conduct includes  
23 destroying or concealing or directing or procuring another  
24 person to destroy or conceal evidence that is material to an  
25 official investigation or judicial proceeding. The note

1 further -- application note 4G further identifies as  
2 obstructive conduct providing materially false statements to a  
3 law enforcement officer that significantly obstructed or  
4 impeded the official investigation or prosecution of the  
5 offense.

6 It would appear that the evidence would support both  
7 of those provisions, that he directed or procured another to  
8 destroy or conceal evidence, and also that he provided  
9 materially false information to a law enforcement agency. Do  
10 you have anything else, Mr. Gipson?

11 MR. GIPSON: No, your Honor, we don't wish to present  
12 any additional testimony. I would just suggest that with the  
13 information that was offered the question is whether or not  
14 it's significantly impeded the investigation of this matter,  
15 your Honor. And with that matter, Judge, with all of the  
16 other information that we have spoken about and the court has  
17 heard about, our position is that one portion of information  
18 that he cured within a couple of weeks of making that  
19 statement to them, your Honor, I don't know that that impeded  
20 the progress of their investigation.

21 Your Honor, this investigation has been vast and it's  
22 gone in several different directions, and that one piece of  
23 evidence, your Honor, I suggest did not --

24 THE COURT: There's more than one portion. You're  
25 leaving out the fact he asked someone to conceal evidence.

1 MR. GIPSON: And it's been my position -- I've  
2 listened to all of those phone calls, your Honor. I was  
3 provided those phone calls and listened to them. There was  
4 conversations about moneys, and I don't know that there was  
5 ever a direct request that somebody move money, your Honor.  
6 That is my position, your Honor. Just in listening to those  
7 phone calls multiple times in preparation for trial and  
8 actually going back even, you know, through preparing for this  
9 hearing, your Honor.

10 THE COURT: All right. The objection is overruled.

11 MR. GIPSON: Thank you.

12 THE COURT: The next objection is paragraph 91,  
13 adjustment for acceptance of responsibility.

14 MR. GIPSON: Yes, ma'am. And, just briefly, in  
15 reference to acceptance of responsibility, again, through  
16 these multiple meetings, your Honor, over ten hours of  
17 meetings which took place with the government, your Honor, Mr.  
18 Wiggins was clear about the fact that he accepted  
19 responsibility. I think the issue was whether or not he was  
20 going to implicate any family members in the matter. And he  
21 always said this is something that I did, was my  
22 responsibility, I did these things.

23 And he never tried to shirk responsibility, he never  
24 tried to place it on anyone else. He never tried to say well,  
25 this person made me do it or I was forced to do this, or I

1 was, you know, pushed into doing these things. He always said  
2 he did these things. And, your Honor, he chose to go to trial  
3 and after choosing to go to trial, being found guilty, your  
4 Honor, he's always maintained that this is something that, you  
5 know, I particularly did and the responsibility lies with me.

6 I know the court can, if it chooses, determine that  
7 he did accept responsibility even though he's been found  
8 guilty. And, your Honor, in those proffer sessions, all of  
9 those proffer sessions he told what he did. He said I did  
10 these things, I sold this, I did this, I did this, I did this.  
11 It was always an I. And he's been clear about these things  
12 throughout, and I accept he has accepted responsibility and he  
13 continues to accept responsibility although he chose to go it  
14 trial.

15 THE COURT: Anything else from you, Mr. Richardson?

16 MR. RICHARDSON: Not unless you have questions, your  
17 Honor.

18 THE COURT: Well, it appears that the defendant  
19 engaged in obstructive conduct by breaching his proffer  
20 agreement, by failing to disclose his full knowledge of and  
21 involvement in drug trafficking activities. The objection is  
22 overruled.

23 MR. GIPSON: Thank you, your Honor. I believe that's  
24 all of our objections at this point.

25 THE COURT: All right. There being no further

1 objections, as findings of fact of this court for the purpose  
2 of sentencing the court finds that the statutory provisions  
3 are as follows: Count one is 20 years to life, count three is  
4 five years to life consecutive to any other term of  
5 imprisonment, and count four is ten years.

6 Supervised release on count one is at least ten  
7 years, count three not more than five years, count four not  
8 more than three years. The fine on count one is \$20 million,  
9 on count three is \$250,000, and count four \$250,000. The  
10 special assessment fee is \$100 as to each count one, three and  
11 four.

12 The guideline provisions are as follows: The total  
13 offense level is 43, the criminal history category five. The  
14 guideline range is life imprisonment as to counts one and  
15 four, 60 months imprisonment to run consecutive to any other  
16 term of imprisonment imposed as to count three.

17 At least ten years of supervised release as to count  
18 one, two to five years of supervised release on count three,  
19 and one to three years of supervised release as to count four.  
20 There is a \$300 special assessment fee.

21 Are there any objections as to the statutory  
22 provisions or the guideline provisions?

23 MR. RICHARDSON: None, your Honor.

24 MR. GIPSON: No, ma'am.

25 THE COURT: The court adopts the previously stated

1 provisions. Mr. Gipson, I will hear from you at this time  
2 with regard to the sentence to be imposed in this case.

3 MR. GIPSON: Thank you, your Honor. If it please the  
4 court, I'll speak briefly, your Honor, then I believe there  
5 are just four family members who are here who would like to  
6 speak on his behalf if the court would allow. Those members  
7 will be, your Honor, Pastor Michael O'Neil, Joyce Foust who is  
8 his aunt, his mother Frances Brown and, lastly, his sister  
9 Tamara Anderson.

10 Your Honor, I suggest to the court, understanding  
11 what the guideline range is, I ask the court consider varying  
12 from the guideline range because of some of the facts that we  
13 talked about before, but I'll just briefly explain to the  
14 court my position.

15 When you look at the guideline factors, your Honor,  
16 there are several ways that his criminal conduct can be  
17 deterred without imposing a life sentence, your Honor. Mr.  
18 Wiggins, your Honor, has been in jail since April of last  
19 year. Your Honor, he's got three children, he's got one who  
20 was born while he was actually in jail and never been able to  
21 physically touch that child, your Honor.

22 I suggest that understanding that we have essentially  
23 in this court a -- in this case, your Honor, a 20 year minimum  
24 he's got to -- mandatory minimum and then a five year  
25 consecutive term and we're looking at 25 years. Your Honor,

1 by my calculation it goes to 300 or so months, your Honor.  
2 That's something that the court, it seems, would have to  
3 impose in this case. I suggest to the court that that is  
4 reasonable in this matter. Because there has been or it's our  
5 position that there has been acceptance of responsibility.

6 It's our position that during those hours and hours  
7 of proffer sessions, your Honor, the government received vast  
8 amounts of information. Quite frankly, if he had cooperated  
9 and chosen not to go to trial, your Honor, he would have been  
10 in a position similar to Manuel Soto-Gonzalez and some of the  
11 others who were able to testify and the give information and  
12 work for a downward departure.

13 I know that's not where we stand in this particular  
14 case, your Honor, but the government still is able to make use  
15 of all of the information that Mr. Wiggins gave to them, your  
16 Honor, and they are able to do this. And I understand, you  
17 know, with proffer agreements they have that ability, I  
18 understand it's a contract and they have the ability if  
19 there's a breach to proceed as they choose to proceed. I  
20 understand all of those things.

21 But I'd ask that the court consider a variance, that  
22 it sentence him underneath something less than life, your  
23 Honor. And that situation would at least allow Mr. Wiggins to  
24 at some point in time be able to -- he can pay his debt back  
25 to society, your Honor. He can -- has worked before in the

1 past your Honor. He's done other types of work. But it would  
2 at least allow him to have a chance and some kind of glimmer  
3 of hope to get back to his family.

4 Your Honor, 25 years, 30 years, those are large  
5 numbers, especially for a man essentially 33 years old. Your  
6 Honor, that's a generation and a half. And it's our position  
7 that with the information that he's given to the government  
8 he's at least shown that he cares about -- he's given them  
9 information that they can use to bring others to justice. And  
10 that alone, your Honor, in some lights allows them -- he's  
11 chosen to plead guilty to essentially qualify for acceptance  
12 of responsibility and other manners of departing from his  
13 sentence.

14 We just ask that you consider that factor, your  
15 Honor, consider the fact that he's been in the bad situation  
16 here, your Honor, and I believe that he's tried to do what he  
17 can to cooperate. And although he did choose to go to trial  
18 he did so, your Honor, but he, through that process preceding  
19 going to trial he did accept responsibility for what he had  
20 done and what he -- and the pain that he had caused to the  
21 family and others, your Honor. And I'd ask the to court  
22 consider those things.

23 Briefly, your Honor, he again assisted in giving them  
24 all the information about assets where his three-quarters of a  
25 million dollars in assets were seized, your Honor. I think



1 that that shows, again, that he has some respect for law  
2 enforcement. When law enforcement came to the home he told  
3 them where things were in the home, your Honor. It speaks to  
4 the way -- the fact that he was raised well. He made a bad  
5 decision to go down the road of selling drugs and to  
6 participate in this type of enterprise, but he's got lots of  
7 family members who are here, your Honor, who have come to  
8 speak on his behalf and love him dearly, and who understand  
9 that he's committed a crime.

10 He understands that, your Honor, and I know he wants  
11 to speak to the court, address the court. But I believe that  
12 a sentence of 30 years or even if you look at those guidelines  
13 and look at a level 40 as opposed to a level 43, even a level  
14 41, your Honor, there are ways that a sentence can be  
15 constructed that would allow him to pay his debt back to  
16 society. Because that is an extremely long time to pay one's  
17 debt, which he has to pay because he was found guilty of these  
18 things, your Honor.

19 But I just ask that you consider something underneath  
20 life to give him that glimmer of hope. I suggest to the court  
21 that he used drugs extensively at one period of time and that  
22 he had a problem with cocaine, your Honor. I'd ask the court  
23 consider, you know, during the sentence he be screened for the  
24 drug treatment program, your Honor, and anything vocational he  
25 may qualify for because those things can help him in the

1 future.

2 But I just ask that you consider the fact that he  
3 did, aside from choosing to go to trial, your Honor,  
4 everything that he did preceding trial lined up for somebody  
5 who had cooperated and who would have been one of those  
6 witnesses that was testifying as opposed to a defendant  
7 sitting here at trial. And but for that decision he would  
8 still be in the position that many are to receive some of  
9 those benefits, and I'd ask the court consider that, your  
10 Honor.

11 THE COURT: All right. Thank you.

12 MR. GIPSON: I'd ask if the court would allow Pastor  
13 Michael O'Neil to come forward.

14 THE COURT: All right.

15 PROBATION OFFICER: Your Honor, may I approach?

16 THE COURT: You may.

17 (There was a pause in the proceedings)

18 THE COURT: All right. Thank you. Would you give us  
19 your name?

20 PASTOR O'NEIL: Pastor Michael O'Neil.

21 THE COURT: I'll hear from you at this time.

22 PASTOR O'NEIL: Your Honor, to the court, to all the  
23 officials here, to the family, to Mr. Wiggins, I come standing  
24 as a pastor, Terrance's pastor, his family's pastor, and come  
25 here not so much to try and make any type of reckless

1 statements or anything no more than I would very generally in  
2 the community. I work very diligently trying to make our  
3 community a more prosperous and productive community. I've  
4 had an opportunity to interact with Mr. Wiggins over the ten  
5 years or so that I have been at Rosemary Baptist Church  
6 praying with him, encouraging him, trying to guide him in  
7 whatever way I possibly can as I do with so other many young  
8 mens and young ladies in our community from the schools, to  
9 partnering with local churches in our community to try and  
10 make a difference.

11 I'm here on behalf of Terrance and his family to  
12 plead for a second chance, an opportunity for him to get to  
13 know his children, an opportunity for him to be a productive  
14 citizen back in the community. I'm not here to weigh on  
15 whether he's guilty or not. I don't know any of that no more  
16 than any information that you have. But I'm here to support  
17 this family, I'm here to support him and encourage him.

18 As the Bible would say, that he that is without sin  
19 cast the first stone. And I know that he's made some mistakes  
20 and we all have made mistakes, and I'm not here to cast  
21 judgment or either put weight on what mistake weighs more than  
22 another one. But I know that all of us deserve a second  
23 chance and an opportunity to make better decisions, to correct  
24 our wrongs, to pay our debt to society in whatever way and  
25 manner that is possible.

1 I've come before you today to plead for mercy for  
2 this young man, that he may be the father that he can't be  
3 being behind prison walls, that he could be the son or he  
4 could be an inspiration to those ones who are still out there  
5 in the community, may not really understand what it is to do  
6 the right thing or the penalty for doing those things that are  
7 not constructive in society.

8 I come before you today to ask that you would have  
9 leniency on him in a way and manner that allow him to be --  
10 become an active participant in this community and the church  
11 and in the this world in which we living that some young man,  
12 some young lady won't travel back down the same road that he's  
13 made the mistakes on this far.

14 THE COURT: All right. Thank you very much.

15 PASTOR O'NEIL: Thank you.

16 MR. GIPSON: Thank you, sir. Your Honor, next we  
17 have his aunt.

18 MS. FOUST: Your Honor, I thank you for giving me  
19 this chance to speak on behalf of my nephew Terrance Wiggins.  
20 Terrance, I'd just like to share --

21 THE COURT: Would you state your name for the record,  
22 please?

23 MS. FOUST: Joyce Foust, F-O-U-S-T.

24 THE COURT: Thank you.

25 MS. FOUST: Terrance on many occasions, by working in

1 his yard, asked me to come over for advice on how he should  
2 plant things. And during those conversations we talked about  
3 family, his love for his family and his love for his children.  
4 Terrance loved to cook, and on many occasions he would cook  
5 and he would invite family members over.

6 And also during conversations Terrance shared with me  
7 what he wanted to do with his life. He told me that he was  
8 interested in becoming a chef, and I encouraged him to look  
9 into schools that he could find to attend to bring his dream  
10 forth. And I'm just asking you to take these things in  
11 consideration, that he is a family man, that he did have hope  
12 and change in turning his life around for the better to do  
13 things that would be something to help his community. I thank  
14 you.

15 THE COURT: Thank you.

16 MR. GIPSON: Your Honor, coming forth is Frances  
17 Brown, who is Mr. Wiggins' mother, and his sister Tamara  
18 Anderson standing next to her.

19 THE COURT: If you would state your name, please.

20 MRS. BROWN: Frances Renee Brown.

21 THE COURT: All right.

22 MRS. BROWN: Honorable Judge Seymour, right now my  
23 heart is heavy, it's heavy. Any parent got a child going  
24 through stuff their heart is heavy. Just -- I just want to  
25 talk about my son. I know everybody picked him to be the

1 worst person in Barnwell County, but he's not the worst person  
2 in Barnwell County. He did make a mistake, Lord, and he knows  
3 he made a mistake. And just the other night he say, momma, I  
4 talk to the Lord, he say, a couple days before the -- I talked  
5 to the Lord and asked him to make a change in my life. And I  
6 said you know what, Terrance, I say, he did. I say, you know,  
7 sometimes we go through things and the Lord put us through  
8 things, trials and tribulations so we can see what we do  
9 wrong. Because if nothing ever goes wrong you -- just running  
10 the wrong way.

11 So I say the Lord did, did do it for you. He did.  
12 And I believe the Lord's going to do everything as he told us  
13 he's going to do. Always -- my son get hit by a school bus,  
14 he was two years old, and I thank the Lord that's the first  
15 miracle he did for us. Because he could have been gone. And  
16 I always preach to him and say, you know what, Terrance, I  
17 say, you got hit by a bus when you was two years old. I said  
18 the other little boy in the hospital just got hit by a car and  
19 I say, you know, the Lord blessed you and I say he kept you  
20 here for a reason.

21 And I say the Lord is going to get his glory because  
22 he didn't -- he didn't allowed you to die. He allowed you to  
23 stay here. And we all go through trials and tribulations  
24 sometimes, and the Lord does that. But he can open his eyes.

25 And when he was in prison it was some kind of class,

1     sometime I remember, I think it was turn your life around to  
2     Christ, turn to Christ, I don't remember, turn to Christ. And  
3     we came, we had lunch with him. The pastor was there that  
4     held the class, and he say to me, he talked to me and he say,  
5     you know, I see a difference in your son since he been here.

6             And I know that you hear this, I know you hear it for  
7     everybody that comes there about the Lord, but I truly believe  
8     this. Because, like say, I have been telling him this from  
9     when he was young. And all the -- you turn your life around  
10    to Christ, you have to give him that opportunity.

11            I know he did wrong. I'm just trusting and praying  
12    and asking you, your Honor, to give him mercy that he don't  
13    spend his whole life in prison. Because when he's in court  
14    not too long ago he was told he would leave out of prison in a  
15    box. That's the only way he was going leave prison, in a box.  
16    And I don't want that for my children, my son.

17            And I hope from the publicity and that went on in  
18    Barnwell County with my son and stuff on the Facebooks, that  
19    some child will get alerted from this and open the eyes and  
20    see that money is not everything. Money is the root of all  
21    evil. But the most precious thing in the world is life, a  
22    Godly life that you could have being able to walk -- just -- I  
23    just -- I'm just putting his life on the mercy of the court  
24    that he just get an opportunity. Because he's not, like I  
25    say, he not the monster, he's a son, he's a brother, he's a

1 nephew, he's an uncle, he's a grandson.

2 Now, I'm not going to justify what he did, because I  
3 can't. He don't justify what he did. He say he made a  
4 mistake and only thing he acknowledge the mistake he made is  
5 it not only affect his life, it affects everybody around him.  
6 And he's hurting for that. And I know he is. And I know I'm  
7 hurting for that. But just, Lord, just please find it in your  
8 heart that my son do not do life in jail. Thank you.

9 THE COURT: Thank you. Your name, please?

10 MS. ANDERSON: Judge, I'll take the opportunity to  
11 thank you for allowing my mother to get up here and speak in  
12 my brother's behalf. And also allowing us to move it to  
13 Wednesday so we could be here.

14 THE COURT: Give me your name, please.

15 MS. ANDERSON: Tamara Anderson.

16 THE COURT: Thank you.

17 MS. ANDERSON: I know some people may say that a lot  
18 of people find God when they go to jail or when they go to  
19 prison. But that is so untrue about my brother. My family is  
20 a praying family. We constantly pray. My brother does not  
21 know how many nights that I lay before God and pray for him.  
22 Because my great grandmother has always told me pray until  
23 something happens.

24 And I seen a huge change in my brother before all  
25 this happened. He was a good father to his kids, he made sure



1 that he was in their life. He was home, just like my aunt  
2 say. We did dinners together, we did Thanksgiving dinner  
3 together, we did Christmas together. He's a good cook. He  
4 sometimes tried to outdo me with his cooking. But we were a  
5 close-knit family before all this happened.

6 And just like my mother say, sometimes things have to  
7 happen before you completely change. Me and my mother was on  
8 the way to church one day, not to the church that she usually  
9 go to, and he called and he said mom, what time does church  
10 start? And we were, like my mom, he's not going to church  
11 this morning, but he actually got up to go to church. That  
12 may not sound a lot to you, but to us that is a huge, huge  
13 accomplishment. He went to church.

14 He was actually changing his life before all this  
15 happened. Just like my mother say, please have mercy on him.  
16 We do not want him to spend life in prison. And I thank you  
17 for the opportunity to get up here. Thank you.

18 THE COURT: Thank you.

19 MR. GIPSON: Lastly, your Honor, Mr. Wiggins would  
20 like to address the court.

21 THE COURT: All right. Mr. Wiggins, I'll hear from  
22 you at this time with regard to the sentence to be imposed in  
23 your case.

24 DEFENDANT: Your Honor, I thank you on my behalf to  
25 speak to the court. First I would like to thank God for the

1 opportunity to still be here and not loss in life, killed  
2 behind drugs, he still give me a chance to be living. I'd  
3 like to apologize to my family for all I put them through.  
4 I'm not perfect, I made a lot of mistakes in life. When they  
5 came and saying about me was the God's honest truth.

6 I lost my daddy when I was in elementary school. I  
7 never had a father figure, only had my mother. She gave me  
8 the chance to do the right thing but I chose the wrong path.  
9 Now I'm here standing before you asking for mercy on my  
10 situation.

11 I have three kids, newborn I never seen. And  
12 basically only I can say I'm sorry. I just want another  
13 chance at life. Just don't take my life away. Whatever is  
14 your will, whatever you can do to help me out, whatever you  
15 can do now or the near future, anything you can find out and  
16 get me back home close to my family so they don't forget about  
17 me.

18 I'm not the person that people came up here and say I  
19 was. I made -- I sold drugs, I'm not a -- I'm not -- I'm not  
20 just a killer, a gangbanger. I have a good heart and I always  
21 there for my family, whoever needed I was there. I never  
22 could say no. And I'm -- I want to tell the court I'm sorry  
23 for what I did. I apologize.

24 THE COURT: All right. Thank you very much.  
25 Anything else from you, Mr. Gipson?

1 MR. GIPSON: No, ma'am, that's all we have. We just  
2 ask you consider a sentence underneath the advisory  
3 guidelines.

4 THE COURT: All right. Mr. Richardson?

5 MR. RICHARDSON: Thank you, your Honor. This is a  
6 case that your Honor has lived with almost as long as I have.  
7 It goes back to Christopher Davis' case that your Honor saw  
8 through Mr. Wiggins' part of that. And this is an instance  
9 where there is no legitimate reason to vary from the guideline  
10 sentence.

11 Mr. Wiggins is a large scale drug trafficker.  
12 Hundreds and hundreds of kilograms of cocaine, trafficking in  
13 Barnwell, Barnwell County area. He had no legitimate  
14 employment, as his presentence report indicates. He reports  
15 one job or maybe two jobs, neither of which are confirmed by  
16 anybody that was at that company that he ever worked there.

17 And he's a recidivist. He's a category five, not  
18 category six is the very highest, but the next highest  
19 category of criminal history. Given his guideline range,  
20 given the offense conduct range, he would be a lifer under the  
21 guidelines even if he had no criminal history, much less  
22 having the extensive criminal record that he has involving  
23 cocaine, criminal domestic violence, as well as a firearm  
24 offense.

25 This is somebody that did it extensively. More than

1 three-quarters of a million dollars in cash, he had a Land  
2 Rover, a Camaro, motorcycles, a variety of restored cars at a  
3 nice residence in the Barnwell community. He had multiple  
4 firearms at his residence when he was arrested after the  
5 search warrant. He had an assault rifle, he had a pistol, he  
6 had pistol grip shotgun hidden throughout the house.

7 In his attempt to cooperate, as your Honor has  
8 already found, he was unable to be truthful, rendering what  
9 information he provided virtually useless to the government  
10 because of his inability to tell the truth.

11 Your Honor, he's continued throughout the process to  
12 refuse to accept full responsibility for what he's done. Your  
13 Honor saw it at the first objection with respect to 200 kilos,  
14 in an instance where Mr. Wiggins has dealt far more than that.  
15 He won't even accept responsibility even now to the quantity  
16 and the scale of narcotics trafficking that he was involved  
17 in.

18 Mr. Wiggins begins at an offense level 46. I've  
19 never actually seen a 46 in my experience. I think that's an  
20 extremely high offense level that reflects the extremely  
21 serious nature of the crimes he committed. I think  
22 particularly when your Honor combines that with him being a  
23 category five criminal history this is not an appropriate  
24 instance to vary.

25 Mr. Wiggins asked the court to impose a 300 month

1 sentence, is the request he's making. And in essence that  
2 would be a 12 level downward departure from the 46 down to  
3 what in essence would be a level 34 in a category five. We  
4 think that's not justified here under the circumstances and we  
5 would ask you to impose the guideline sentence.

6 THE COURT: Anything else?

7 MR. GIPSON: Nothing, your Honor.

8 THE COURT: Mr. Richardson, has any of the  
9 cooperation that Mr. Wiggins provided useful to government?

10 MR. RICHARDSON: It has not been, your Honor, because  
11 we cannot make use of it. The difficulty is when someone is  
12 untruthful in one part, the other part of what they say is  
13 rendered virtually unusable. And this is an instance where he  
14 provided some information, and your Honor heard about some of  
15 that information. We provided testimony about it after he  
16 breached his proffer agreement. And you heard testimony from  
17 Special Agent McElwain about it. But the information that  
18 he's provided because he cannot be used as a credible source  
19 we can't then make use of it. We can't use it to do search  
20 warrants, we can't use it for indicting someone because he's  
21 not a usable witness.

22 I'd also add even to the extent it was theoretically  
23 credible he refuses to cooperate. He's refused to do anything  
24 since prior -- since well before the trial. So to the extent  
25 that he provided information it's simply not useful and cannot

1 be useful to government.

2 I mean, I will add, your Honor, as I added before in  
3 a variety of cases to you, and I add it here as I always do,  
4 if Mr. Wiggins wanted to come in and provide fully truthful  
5 testimony, fully truthful debriefing about everything that  
6 he's done and we're able to confirm the accuracy of what he's  
7 saying and he continues -- doesn't continue lying to us, if  
8 we're able to arrange a time to do that, the agents I'm sure  
9 would be willing to do it for him to provide that information.  
10 And if we were able to use it then obviously we would give him  
11 credit for it. But as it currently stands, he refuses to  
12 cooperate, we cannot use the information.

13 THE COURT: There is a possibility then that if he  
14 cooperates and you are able to polygraph him and confirm the  
15 information there would be a possibility for a Rule 35?

16 MR. RICHARDSON: I think there is a possibility, your  
17 Honor. I'll contrast it with a case you are also familiar  
18 with, Earl Daniels who appeared before your Honor, part of the  
19 same case. In fact, he testified at Mr. Wiggins' case. And  
20 we appeared before you in that instance and I told you that I  
21 thought if he would come in and cooperate, because Mr. Daniels  
22 did not lie to law enforcement, he chose to go to trial, he  
23 was convicted, and then at that point came in, provided  
24 truthful information, he testified during this trial and he's  
25 currently serving a life sentence. I anticipate that as soon

1 as this sentencing is completed that you would see a Rule 35  
2 request on that individual. Because he didn't lie, he was in  
3 a situation where he provided information that was useful to  
4 the government.

5 That is a possibility for Mr. Wiggins, but it's a  
6 much more remote possibility because he has lied. And the  
7 difficulty, as your Honor is well aware, is that once someone  
8 begins down that road of lying it is very difficult for us to  
9 rely on that information. Obviously possible. You have heard  
10 testimony from individuals who have failed polygraphs. I  
11 believe in the Sigmund James trial an individual testified,  
12 who's name is escaping me, but he testified even though he had  
13 previously failed a polygraph and had been untruthful.

14 The government was able to confirm information he was  
15 providing and he came clean and provided a full account of  
16 what he had done. So it's certainly possible, I'm aware of an  
17 instance where it occurred before, your Honor, but I wouldn't  
18 say it is a likely possibility, but it is a possibility.

19 THE COURT: Thank you. Anything else, Mr. Gipson?

20 MR. GIPSON: The only brief part that I would add,  
21 your Honor, back in June of last year he did attempt to make  
22 three controlled calls with the government. At that point in  
23 time, your Honor, there was an attempt made at that point in  
24 time, your Honor, to actively do some things for the  
25 government, your Honor.

1 MR. RICHARDSON: The one thing I would add, your  
2 Honor, we do believe he has information on individuals who  
3 would be targets, were we able to use his information. The  
4 difficulty is we cannot use the information, so --

5 THE COURT: Under what circumstances would you be  
6 able to use that information if he were to provide it?

7 MR. RICHARDSON: If he was fully truthful. And that  
8 would obviously require some polygraph, some ways of the  
9 government trying to figure out how to verify it. Just like  
10 we have done in other instances where someone is untruthful  
11 for some particular reason and fails a polygraph, or is just  
12 untruthful, and we're able to determine that, those  
13 individuals can be rehabilitated. It is a much harder process  
14 than someone who is writing on a clean slate.

15 But, your Honor, these people all the time who during  
16 the course of their cooperation may not have been fully  
17 truthful. However, right now Mr. Wiggins is not cooperating,  
18 he has refused to do so. And so I think we're quite a few  
19 steps away from figuring out how to corroborate and confirm  
20 whatever information he would provide.

21 THE COURT: All right. I'm going to take a brief  
22 recess and I'll be right back.

23 MR. RICHARDSON: Thank you, your Honor.

24 MR. GIPSON: Thank you, your Honor.

25 (A recess transpired)



1 THE COURT: You may stand for sentencing. All right.  
2 Mr. Terrance Lamar Wiggins is before the court for the purpose  
3 of sentencing, having been found guilty by jury verdict of  
4 conspiracy to possess with intent to distribute and to  
5 distribute five kilograms or more of cocaine, possession of a  
6 firearm in furtherance of a drug trafficking crime, and felon  
7 in possession of firearms and ammunition.

8 The subject investigation in this case revealed that  
9 Mr. Wiggins was involved in a conspiracy to distribute  
10 kilogram quantities of cocaine in Barnwell County and  
11 surrounding areas of South Carolina from approximately 2005  
12 through 2012. It's significant in this case that in 2005 when  
13 the investigation began there were several cooperating  
14 witnesses who detailed their drug activities with Mr. Wiggins.  
15 Several witnesses described their multi-kilogram quantity  
16 cocaine dealings with Mr. Wiggins.

17 There was a search warrant at Mr. Wiggins' house and  
18 during the search the investigators located quantities of  
19 marijuana, cocaine, six firearms, numerous rounds of  
20 ammunition, \$400,000 in U.S. currency, scales and other  
21 paraphernalia often used in the distribution of kilogram  
22 quantities of cocaine. Mr. Wiggins' mother's residence was  
23 also located across the street where they located more than  
24 \$180,000 in U.S. currency throughout the house. Mr. Wiggins  
25 has a history of abusing marijuana and cocaine, and he also

1 has a history of abuse of alcohol.

2 The court, having taken all of this into  
3 consideration, and having calculated and considered the  
4 advisory sentencing guidelines, and having also considered the  
5 relevant statutory sentencing factors that are contained in  
6 Title 18 United States Cod section 3553(a), has come to the  
7 judgment that the defendant, Terrance Lamar Wiggins, is hereby  
8 committed to the custody of the Bureau of Prisons to be  
9 imprison for a term of life.

10 (Disturbance in the audience)

11 (There was a pause in the proceedings)

12 THE COURT: This term consists of life as to counts  
13 one and 120 months as to count four, said terms to run  
14 concurrently, and 60 months as to count three, said term to  
15 run consecutively to the terms previously imposed on counts  
16 one and four.

17 According to the Fourth Circuit's decision in U.S.  
18 versus Kratsas the court finds that when a defendant is facing  
19 a sentence of life the court must apply the three part test  
20 articulated by the Supreme Court in Solem, advising that an  
21 extensive proportionality analysis is required in those cases  
22 involving a life sentence. Applying Solem's first prong, the  
23 defendant's offense was extremely grave because drug use is a  
24 pervasive, destructive force in American society. The  
25 defendant was not merely a user or even a single distributor

1 of drugs but was involved in obtaining and distributing  
2 multi-ounce quantities of crack cocaine and cocaine over a  
3 period of multiple years from various sources in the state of  
4 South Carolina. And the defendant distributed at least  
5 200 kilograms of cocaine during the course of his involvement  
6 in the offense of conviction.

7 Applying Solem's second prong, the court finds that a  
8 life sentence for a major drug violation is not  
9 disproportionate in comparison with other sentences under the  
10 guidelines. Applying Solem's third prong, the court finds a  
11 review of the state statutes within this circuit disclose the  
12 existence of similarly severe sentences for narcotics  
13 violations of the magnitude involved here.

14 It does not appear that the defendant has the ability  
15 to pay a fine, therefore the fine is waived. The defendant  
16 shall pay the mandatory \$300 special assessment fee, which  
17 consists of \$100 on each of his three counts of conviction.  
18 The defendant shall forfeit his interest in property as  
19 directed in the preliminary order of forfeiture filed April 19  
20 of 2013, and the said order is incorporated herein as part of  
21 this judgment.

22 Should the defendant be released from imprisonment he  
23 will be placed on supervised release for a term of ten years,  
24 consisting of ten years as to count one and three years as to  
25 counts three and four, said terms to run concurrently.

1           Within 72 hours of release from custody of the Bureau  
2 of Prisons the defendant shall report in person to the  
3 probation office in the district to which he is released.  
4 While he's on supervised release he shall comply with the  
5 mandatory and standard conditions of supervision that are  
6 outlined in Title 18 United States Code Section 3583(d), and  
7 he shall also comply with the following special conditions:  
8 He shall participate in a substance abuse treatment program,  
9 to include drug testing, as approved by the United States  
10 Probation Officer. Unless he's able to secure stable and  
11 verifiable employment he shall participate in a vocational  
12 training or work force development program as approved by the  
13 United States Probation Office.

14           The findings of fact of the presentence report are  
15 adopted as the reasons for the sentence and are incorporated  
16 by reference.

17           I'm also making a recommendation to the Bureau of  
18 Prisons that he be considered for the intensive drug treatment  
19 program at the Bureau of Prisons.

20           Mr. Wiggins, you are advised that a criminal  
21 defendant has the right to appeal a sentence in certain  
22 circumstances and you should discuss with your lawyer as to  
23 whether or not you are entitled to an appeal in this case.  
24 With few exceptions any notice of appeal must be file within  
25 14 days after judgment in your case is entered. Do you

1 understand?

2 DEFENDANT: Yes, ma'am.

3 THE COURT: I'm also going to advise you, Mr.

4 Wiggins, that you take into account the information that was

5 provided at this hearing by the government and there is an

6 opportunity for your sentence to be reduced if you provide

7 truthful information to the government that can be relied on.

8 In that situation, if the government finds that information to

9 be reliable and truthful, they can, if they so find, file a

10 Rule 35 motion in your behalf and ask your sentence be

11 reduced. Do you understand?

12 DEFENDANT: Yes, ma'am.

13 THE COURT: As a result, the motion for variance in

14 this case has been denied. Is there anything else?

15 MR. RICHARDSON: Nothing from the government your

16 Honor.

17 MR. GIPSON: Nothing from the defendant, your Honor.

18 (Recess, 5:42 p.m.)

19

20 I certify that the foregoing is a correct transcript  
21 from the record of proceedings in the above-entitled matter.

22 Date: 9-4-13

s/ Daniel E. Mayo

23

24

25